



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Joseph M. Xuereb, Esq.
Xuereb Law Group
7752 N. Canton Center Road, Suite 110
Canton, Michigan 48187

APR 27 2015

RE: MUR 6887
McCotter Congressional Committee and
Robert A. Bovitz in his official capacity
as treasurer

Dear Mr. Xuereb:

On April 22, 2015, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of McCotter Congressional Committee and Robert A. Bovitz in his official capacity as treasurer in settlement of a violation of 52 U.S.C. § 30116(f) (formerly 2 U.S.C. § 441a(f)), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondents and the Commission. *See* 52 U.S.C. § 30109(a)(4)(B) (formerly 2 U.S.C. § 437g(a)(4)(B)).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Delbert K. Rigsby
Delbert K. Rigsby
Attorney

Enclosure
Conciliation Agreement

cc: McCotter Congressional Committee

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

McCotter Congressional Committee
and Robert A. Bovitz in his official
capacity as treasurer

MUR 6887

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OFFICE
COMM.

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that McCotter Congressional Committee and Robert A. Bovitz in his official capacity as treasurer, ("the Committee" or "Respondents") violated 52 U.S.C. § 30116(f) (formerly 2 U.S.C. § 441a(f)), a provision of the Federal Election Campaign Act of 1971, as amended, (the "Act").

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i) (formerly 2 U.S.C. § 437g(a)(4)(A)(i)).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Committee was the principal campaign committee for Representative Thaddeus McCotter's reelection campaign for United States Congress during the 2012 election cycle.

2. Representative McCotter withdrew from the primary election on June 2, 2012, and resigned from Congress on July 6, 2012.

3. Robert A. Bovitz is the treasurer of the Committee.

4. Under the Act, an individual may not make a contribution to a candidate with respect to any election in excess of the limits at 52 U.S.C. § 30116(a)(1)(A) (formerly 2 U.S.C. § 441a(a)(1)(A)), which were \$2,500 per election during the 2012 election cycle. A multicandidate political action committee may not make contributions in excess of \$5,000 per election. *See* 52 U.S.C. § 30116(f) (formerly 2 U.S.C. § 441a(f)). The contribution limits are applied separately with respect to each election. *See* 52 U.S.C. § 30116(a)(6) (formerly 2 U.S.C. § 441a(a)(6)); 11 C.F.R. § 110.1(j). A primary election and general election are each considered a separate "election" under the Act, and the contribution limits are applied separately with respect to each election. *See* 52 U.S.C. §§ 30101(1)(A) and 30116(a)(6) (formerly 2 U.S.C. §§ 431(1)(A) and 441a(a)(6)); 11 C.F.R. §§ 100.2 and 110.1(j). Candidates and political committees are prohibited from knowingly accepting excessive contributions. *See* 52 U.S.C. § 30116(f) (formerly 2 U.S.C. § 441a(f)).

5. The Commission's regulations permit a candidate's committee to receive contributions for the general election prior to the primary election. *See* 11 C.F.R. § 102.9(e)(1). If, however, the candidate does not become a candidate in the general election, the committee must: (1) refund the contributions designated for the general election; (2) redesignate such contributions in accordance with 11 C.F.R. §§ 110.1(b)(5) or 110.2(b)(5); or (3) reattribute such

contributions in accordance with 11 C.F.R. § 110.1(k)(3). *See* 11 C.F.R. §§ 102.9(e)(3), 110.1(b)(3)(i), 110.2(b)(3)(i).

6. The Committee accepted general election contributions totaling \$60,500 that were designated for the 2012 general election but were not redesignated, reattributed or refunded within 60 days after the candidate's withdrawal from the primary.

V. Respondents violated 52 U.S.C. § 30116(f) (formerly 2 U.S.C. § 441a(f)) by failing to timely redesignate, reattribute or refund general election contributions, which resulted in Respondents accepting excessive contributions. The Commission does not allege or make a finding that Respondents knowingly or willfully violated the Act. The Commission also does not allege or make a finding as to Robert Bovitz in his personal capacity.

VI. 1. In ordinary circumstances, the Commission would seek a substantially higher civil penalty based on the violation outlined in the agreement. However, the Commission is taking into account the fact that the Committee is defunct, has no cash on hand, and according to Respondents has a limited ability to raise any additional funds. In light of these factors, Respondents will pay a civil penalty to the Federal Election Commission in the amount of Five Thousand Dollars (\$5,000), pursuant to 52 U.S.C. § 30109(a)(5)(A) (formerly 2 U.S.C. § 437g(a)(5)(A)).

2. Respondents will cease and desist from violating 52 U.S.C. § 30116(f) (formerly 2 U.S.C. § 441a(f)).

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) (formerly 2 U.S.C. § 437g(a)(1)) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this

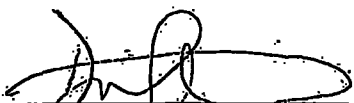
agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.


X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

BY: 
Daniel A. Petalas
Associate General Counsel
for Enforcement

4/23/15
Date

FOR THE RESPONDENTS:


Name: ROBERT A. BOWER
Position: DEPUTY

3/25/15
Date